



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101

Reply To
Attn Of: OW-134

Megan White, Manager
Water Quality Program
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Jim Pendowski, Manager
Toxics Cleanup Program
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

Dear Megan and Jim:

As you know, the Environmental Protection Agency (EPA) is now preparing for a significant national change in the way water quality standards (WQS) are approved. The change, arising from a court action involving Alaska's WQS in 1997, will revise the way state and tribal standards become effective for use under the Clean Water Act (CWA). In July 1997, the U.S. District Court for the Western District of Washington issued an opinion which held that state WQS do not go into effect under the Act until approved by EPA (Alaska Clean Water Alliance v Clark; No. C96-1762R). EPA is close to reaching a settlement agreement with the plaintiffs (Alaska Clean Water Alliance).

The national change will take effect after EPA proposes and finalizes a revision to its regulations. Current plans call for issuing the proposed changes to EPA regulations for public comment in the Federal Register by July 1, 1999. We would then finalize the changes, based on the public comments received, by April 1, 2000. The new national regulations will clarify that any revisions to state or tribal WQS will generally not go into effect under the CWA until approved by EPA. The exception may be that new or revised standards which are more stringent than the current applicable standards may be used for intrastate purposes without EPA approval (Section 510 of the CWA).

As part of this rule-making, EPA will need to maintain publicly-accessible dockets in each EPA Regional Office showing exactly which standards are applicable under the CWA after the regulation takes effect. EPA Headquarters sent a memorandum, dated March 5, 1999, to state and tribal Water Quality Program Directors, which contained specific steps to establish the dockets. The purpose of this letter is to outline the items that Region 10 proposes to include in the docket (step 4 in memorandum). We have reviewed the WQS for Surface Waters of the State of Washington ((Chapter 173 - 201A WAC), the Sediment Management Standards (Chapter 173-204 WAC), and our program files. As we discussed on a conference call on June 8, 1999, the following bulleted items are what we believe should be included in the docket:

Water Quality Standards for Surface Waters

- WAC 173-201A-010 Introduction
- WAC 173-201A-020 Definitions
- WAC 173-201A-030 General water use and criteria classes
- WAC 173-201A-040 Toxic substances
- WAC 173-201A-050 Radioactive substances
- WAC 173-201A-060 General considerations
- WAC 173-201A-070 Antidegradation
- WAC 173-201A-080 Outstanding resource waters
- WAC 173-201A-100 Mixing zones
- WAC 173-201A-110 Short-term modifications
- WAC 173-201A-120 General classifications
- WAC 173-201A-130 Specific classifications - Freshwater
- WAC 173-201A-140 Specific classifications - Marine water
- WAC 173-201A-160 Implementation
 - (4) Allowance for compliance schedules
- 40 CFR Part 131.36(d)(14) - Federal promulgation of standards for Washington

Sediment Management Standards

- WAC 173-204-100 Authority and purpose
 - (1)
 - (2)
 - (3)
 - (7)
- WAC 173-204-110 Applicability
- WAC 173-204-120 Antidegradation and designated use policies
- WAC 173-204-130 Administrative policies
 - (1)
 - (2)
 - (3)
 - (4)
 - (6)
 - (9)
- WAC 173-204-200 Definitions
- WAC 173-204-300 Purpose
- WAC 173-204-310 Sediment quality standards designation procedures
- WAC 173-204-315 Confirmatory marine sediment biological tests
- WAC 173-204-320 Marine sediment quality standards
- WAC 173-204-330 Low salinity sediment quality standards
- WAC 173-204-340 Freshwater sediment quality standards
- WAC 173-204-400 General considerations
 - (12)
- WAC 173-204-410 Sediment quality goal and sediment impact zone applicability
 - (1)
 - (7)
 - (8)
- WAC 173-204-412 Marine finfish rearing facilities

- WAC 173-204-415 Sediment impact zones
 - (1)
 - (3)
 - (5)(c)
- WAC 173-204-420 Sediment impact zone maximum criteria
- WAC 173-204-500 Sediment cleanup decision process and policies
 - (4)
- WAC 173-204-520 Cleanup screening levels criteria
- WAC 173-204-570 Sediment cleanup standards
- WAC 173-204-590 Sediment recovery zones
 - (1)
 - (2)(a)
- WAC 173-204-600 Sampling and testing plan standards
 - (3)
 - (4)

At this time, Region 10 does not plan to include the following items in the docket:

Water Quality Standards for Surface Waters

- WAC 173-201A-150 Achievement considerations
- WAC 173-201A-160 Implementation
 - (1)
 - (2)
 - (3)
- WAC 173-201A-170 Surveillance
- WAC 173-201A-180 Enforcement

Sediment Management Standards

- WAC 173-204-100 Authority and purpose
 - (4)
 - (5)
 - (6)
 - (8)
- WAC 173-204-130 Administrative policies
 - (5)
 - (7)
 - (8)
 - (10)
 - (11)
- WAC 173-204-350 Sediment quality standards inventory
- WAC 173-204-400 General considerations
 - (1) - (11)
 - (13)
- WAC 173-204-410 Sediment quality goal and sediment impact zone applicability
 - (2)
 - (3)
 - (4)

- (5)
- (6)
- WAC 173-204-415 Sediment impact zones
 - (2)
 - (4)
 - (5)(a)(b)(d)(e)
 - (6)
 - (7)
 - (8)
- WAC 173-204-500 Sediment cleanup decision process and policies
 - (1)
 - (2)
 - (3)
 - (5)
- WAC 173-204-510 Screening sediment station clusters of potential concern
- WAC 173-204-530 Hazard assessment and site identification
- WAC 173-204-540 Ranking and list of sites
- WAC 173-204-550 Types of cleanup and authority
- WAC 173-204-560 Cleanup study
- WAC 173-204-580 Cleanup action decision
- WAC 173-204-590 Sediment recovery zones
 - (2)(b - f)
 - (3)
 - (4)
 - (5)
 - (6)
- WAC 173-204-600 Sampling and testing plan standards
 - (1)
 - (2)
- WAC 173-204-610 Records management

If you disagree with the above list, please notify me before July 30, 1999, and explain specifically what you disagree with and why. As discussed above, the revised standards regulation will likely state that more stringent standards can be used prior to EPA approval.

If you have any questions, please call me or have your staff contact Marcia Lagerloef at (206) 553-0176.

Sincerely,

Randall F. Smith
 Director
 Office of Water

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If you have any questions, please call me or have your staff contact Marcia Lagerloef at (206) 553-0176.

Sincerely,

Randall F. Smith
Director
Office of Water

CONCURRENCES						
Initials:						
Name:	Mlagerloef	Thamlin				
Date:						